

## **WILKINSBURG BOROUGH COUNCIL MEETING**

**Legislative Session**

**April 20, 2011**

### **CALL TO ORDER**

President Moore called the meeting to order at approximately 7:10 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkesburg, PA.

### **ROLL CALL**

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Marla P. Marcinko, Borough Manager and Matt Racunas, Esquire, from the Law Offices of Patricia McGrail, L.L.C., and Borough Solicitor. Mayor John Thompson was absent. A quorum was established.

### **PLEDGE OF ALLEGIANCE**

Following the pledge of allegiance, President Moore requested the audience remain standing to observe a moment of silence for Mr. William "Skip" Boyer and all victims of violent crime.

### **PUBLIC COMMENT**

**Hazel Thomas – 613 Wallace Ave. Apt. #2** – Presented a petition to Council regarding a request for residential parking in the 600 block of Wallace Ave. Ms. Marcinko will refer the matter to the Borough Engineer for a review and recommendation. Ms. Thomas requested information on how to obtain copies of Council meeting minutes. Mr. Cohn advised that they are available in the Wilkesburg Public Library and on-line on the Wilkesburg website.

**Shirley Doubt-Elston – 1726 Wright St.** – Commented on the condition of properties on Wright Street, specifically 1719, 1845, 1900 and 1902. She requested that they be inspected and secured.

**Mr. Allen – 1845 Wright St.** – Commented about the corner of Wright and Paden Streets which is deteriorating due to heavy trucks. Mr. Cohn commented on a similar issue in another area of the Borough wherein bollards were installed which seemed to be effective.

President Moore thanked the residents for attending and advised that the Borough is making efforts to improve the appearance of the community. President Moore advised that the Borough is in the process of hiring Department Directors for Code Enforcement and Public Works. Mr. Cohn checked the demolition inventory and advised that the condition of the structures about which Ms. Doubt-Elston commented were listed in good condition as of August 2010 but could have deteriorated and suggested that the engineer re-inspect.

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**Terri Supowitz – 310 Hay St.** – Expressed her concerns regarding natural gas drilling in the Borough and its effect on water quality. She stated her understanding of Council's concerns regarding potential litigation with proposed legislation establishing a ban on drilling operations and inquired whether Council is considering the legislation. Mr. Racunas commented on the legal challenges to such legislation. Mr. Lewis provided information from WPJWA and water quality test results showing that the levels on all contaminants were within acceptable limits. Mr. Lewis advised that WPJWA will continue to perform water quality testing and will be meeting with State and Federal officials.

Mr. Racunas introduced himself to Council and the audience.

**Eric Egan** – Commented that he has been reviewing the Wilkinsburg Plan and the significant deterioration in the central part of Wilkinsburg. Mr. Egan questioned whether the best planning strategy is to focus on areas which are not in significant decline. President Moore commented on living in a deteriorated area in Wilkinsburg and that filling the Director positions will help.

**Charles Della Gardell – 459 Biddle Ave.** – Commented on concerns with natural gas drilling and complications from prior drilling exposures.

**ORDINANCES ON SECOND READING**

**Ordinance No. 2864**

**An Ordinance of the Borough of Wilkinsburg, County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance 2842 by changing the annual Tenant Registration filing fee from a "per person" fee to a "per unit" fee.**

**Moved:** Ms. Macklin

**Seconded by:** Mr. Lefebvre

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

**Motion carried**

**Ordinance No. 2865**

**Establishing Handicap Parking space – 1101 Jane St.**

**Moved:** Mr. Lewis

**Seconded by:** Ms. Ervin

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

**Motion carried**

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**Ordinance No. 2866**

**Increasing Planning Commission membership from seven (7) to nine (9).**

**Moved:** Ms. Trice

**Seconded by:** Mr. Cohn

**Yes:** Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Cohn, Ms. Trice,  
Ms. Evans, Ms. Ervin, Mr. Lefebvre, President Moore

**Motion carried**

**RESOLUTIONS**

**11-027**

**Approving the Borough Council Meeting Minutes of March 2 and March 16, 2011.**

**Moved:** Ms. Ervin

**Seconded by:** Mr. Lewis

**Yes:** Ms. Macklin, Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Mr.  
Lefebvre, Ms. Evans, Ms. Ervin, President Moore

**Motion carried**

**11-028**

**Approving the March Checks Issued in the amounts as follows:**

Regular Distributions 03/01/11-03/31/11	\$ 451,865.29
Payroll Disbursements	\$ 391,940.98
Voided Checks	\$ <u>(22,420.02)</u>

Total	\$ 821,386.25
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**Moved:** Mr. Cohn

**Seconded by:** Ms. McCarthy-Johnson

**Yes:** Ms. McCarthy-Johnson, Mr. Cohn, Ms. Evans, Mr. Lefebvre, President Moore

**No:** Mr. Lewis, Ms. Trice, Ms. Ervin, Ms. Macklin

**Motion carried 5:4**

During voting, Mr. Lefebvre commented that all Council members receive the bill list each week on Friday and have three (3) days to respond with questions or concerns. Ms. Macklin commented that all bills should be reviewed by the Finance Committee per the Comprehensive Plan and that this is not being done.

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**11-029**

**Authorizing the Opening Day Parade for the Wilkinsburg Baseball Association to be held on May 7, 2011. The parade will commence at Ross and Wood Street, continue from Wood Street to Penn Ave., Penn Ave. to Swissvale, Swissvale to Montier, Montier to Laketon and Laketon to Turner Field.**

**Moved:** Ms. McCarthy-Johnson

**Seconded by:** Mr. Cohn

**Yes:** Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, President Moore

**Motion carried**

**11-030**

**Authorizing the execution of the Collective Bargaining Agreement between the Service Employees International Union and the Borough of Wilkinsburg for the contract term of January 1, 2010 through December 31, 2012. Authorization is further provided for the payment of \$1,000 to James Frank and \$1000 to Roy Clark in settlement of the working out of class grievances filed in 2009.**

**Moved:** Ms. Trice

**Seconded by:** Mr. Lewis

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

**Motion carried**

**11-031**

**Approving the following pay rate increases with an effective date of January 1, 2011.**

Library Director	\$ 2,113.32 bi-weekly
Associate Librarian	\$ 1,540.79 bi-weekly
Projects Manager – LR	\$ 1,269.23 bi-weekly
Branch Manager	\$ 1,096.77 bi-weekly
Sr. Circulation Clerk	\$ 15.01 per hour
Children's Lib Asst Svcs 1	\$ 15.71 per hour
Assistant Reference Lib (PT)	\$ 13.98 per hour
Junior Circulation Clerk	\$ 13.30 per hour
Children's Library Asst Svcs III	\$ 10.30 per hour
Assistant Reference Lib (FT)	\$ 14.40 per hour
Adult Assistant Services	\$ 10.52 per hour
Page Adult	\$ 7.98 per hour
Library Aide 3	\$ 9.13 per hour

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Library Aide 5	\$ 9.43 per hour
Library Aide 6	\$ 8.50 per hour

**Moved:** Ms. Trice

**Seconded by:** Mr. Cohn

Ms. Macklin questioned the varying percentage increases. Ms. Marcinko advised that justification for the variations was provided in the agenda packet. Ms. Macklin further questioned the library operating at a deficit for the past several years. Ms. Marcinko responded that the deficit resulted from an audit adjustment several years ago and that there is no deficit from an operational standpoint. The negative balance dates back to the audit in 2005 or 2006 when the auditors made an audit adjustment which left the library with a negative ending balance being picked up every year as the starting audited fund balance. The wage increases proposed have been included in the 2011 budget. Ms. Ervin questioned whether all are Union positions with the answer being no. President Moore advised that this was addressed in the Library Director's email which was included in the agenda packet.

**Yes:** Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, President Moore

**Motion carried**

**11-032**

**Authorizing the extension of the Employment Agreement entered into on May 8, 2008 between the Borough of Wilkinsburg and Ophelia Coleman through December 31, 2011.**

**Moved:** Ms. Trice

**Seconded by:** Mr. Cohn

Mr. Lewis commented on the fiscal impact of payouts for accrued leave at the time of separation of employment and suggested that this matter be addressed by the Personnel Committee. Ms. Trice commented that this is one of the reasons why the Personnel Committee wants employment agreements to renew on January 1 and commented on the need for standardization of the terms and conditions of employment. President Moore advised that Ophelia Coleman is the Police Chief. Ms. Macklin questioned whether Mr. Lewis was referring to all employment agreements. Mr. Lewis' response was yes.

**Yes:** Ms. Trice, Mr. Cohn, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans, President Moore

**No:** Mr. Lewis, Ms. Ervin

**Motion carried 7:2**

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**11-033**

**Authorizing the extension of the Employment Agreement entered into on February 21, 2008 between the Borough of Wilkinsburg and David Egler, through December 31, 2011.**

**Moved:** Ms. Trice

**Seconded by:** Ms. McCarthy-Johnson

**Yes:** Mr. Cohn, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans, Ms. Trice, President Moore

**No:** Mr. Lewis, Ms. Ervin

**Motion carried 7:2**

**11-034**

**Authorizing the extension of the Employment Agreement entered into on November 5, 2008 between the Borough of Wilkinsburg and Lawrence Focareta, through December 31, 2011 and the addendum to said Agreement providing for the crediting of 80 hours vacation leave to Mr. Focareta for use in calendar year 2011.**

**Moved:** Ms. Trice

**Seconded by:** Ms. McCarthy-Johnson

Ms. Ervin questioned the increase in vacation leave. Ms. Macklin requested clarification that the only change on the agreements was the date through which they were extended and the increase to 80 hours' vacation for Mr. Focareta. Ms. Marcinko confirmed that to be the case.

**Yes:** Ms. McCarthy-Johnson, Mr. Cohn, Ms. Trice, Ms. Evans, Mr. Lefebvre, Ms. Macklin, President Moore

**No:** Mr. Lewis, Ms. Ervin

**Motion carried 7:2**

**11-035**

**Appointing Amiena Mahsoob to the Planning Commission to serve a two-year term commencing on January 1, 2011 and continuing through December 31, 2012.**

**Moved:** Ms. Trice

**Seconded by:** Mr. Lewis

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

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**Motion carried**

**11-036**

**Appointing Nicole Rose to the Planning Commission to serve a two-year term commencing on January 1, 2011 and continuing through December 31, 2012.**

**Moved:** Ms. Trice

**Seconded by:** Ms. Macklin

**Yes:** Ms. Macklin, Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, President Moore

**No:** Mr. Lefebvre

During the voting, Mr. Lefebvre commented on the lack of equality in representation on the Commission with regard to gender. Ms. Trice commented that the Personnel Committee made the recommendations to fill the vacancies on the Planning Commission.

**Motion carried 8:1**

**OLD BUSINESS**

**Authorizing the Conditional Agreement of Sale – 800 Wood Street.**

**Moved:** Ms. Evans

**Seconded by:** Mr. Cohn

Ms. Macklin commented that she did not see the paperwork on the proposed development plan in her agenda packet. Mr. Lewis questioned the reversionary clause in the agreement and inquired if any provisions in the agreement had changed since it was originally presented. Ms. Marcinko advised that the terms of the agreement are the same as originally presented. Ms. Marcinko advised that there is no immediate plan for development of the site and that Allegheny County Redevelopment Authority was advised of same. Ms. Ervin questioned the consequences if “the plan has not been satisfactorily completed within a six month period...” Ms. Marcinko responded that language is part of the reversionary clause and that it is a moot point as there is no immediate plan for development. Ms. Macklin clarified that if the Borough is not developing the property the Borough will not be penalized.

**Yes:** Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, President Moore

**Motion carried**

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**NEW BUSINESS**

**Proposal to conduct inventory of warning and regulatory signs.**

Ms. Macklin commented that bond proceeds cannot be used for sign purchases and that the new requirements for reflectivity do not need to be met for a couple of years and therefore replacement can wait. Mr. Cohn commented that it needs to be done eventually and suggested that the Borough proceed. He voiced concerns regarding signs which are not posted in accordance with the ordinance. President Moore questioned whether the project cost was "not to exceed" \$4,120.00. Ms. Ervin questioned the scope of the project. Ms. Marcinko commented that new signs which are being purchased and installed meet the new reflectivity guidelines however there are many signs currently in use which do not. President Moore questioned if the sign height is included as part of the inventory. Ms. Marcinko replied that it was not and that PA DOT regulations establish requirements for sign height and placement.

**Moved:** Mr. Cohn

**Seconded by:** Ms. Evans

**Yes:** Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, President Moore

**Motion carried**

**Authorizing partial street closure for Blessing of the Bikes sponsored by Ethnan Temple on April 30, 2011 between the hours of 9:00 a.m. and 3 p.m.**

**Moved:** Mr. Cohn

**Seconded by:** Mr. Lewis

**Yes:** Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, President Moore

**Motion carried**

**Request authorization for a block party on May 21, 2011 from noon until 7:00 PM sponsored by the Sanctuary Project of Ministerium Christian Church of Wilkinsburg 748 Wallace Ave. with Pastor Janet Hellner-Burris, Coordinator. Anticipating three hundred participants for youth ministry and jobs for the summer.**

**Moved:** Mr. Cohn

**Seconded by:** Mr. Lewis

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

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**Motion carried**

Ms. Macklin commented on issues with the Port Authority Transit (PAT) and would like to bring someone from PAT to the next planning session to discuss the impact of the recent service cuts to Borough residents. She will provide information to Ms. Marcinko.

Ms. Macklin requested an update on police officer hiring and posting of the positions for part-time Finance Clerk I and Police Department Records Clerk. Ms. Marcinko advised that the position posting was discussed at the last Personnel Committee meeting and that background investigations are currently being conducted on 6 police officer candidates. Job postings for Part-time Finance Clerk I and Police Department Records Clerk have been prepared and will be posted now that the collective bargaining agreement has been ratified.

A motion was made by Ms. Macklin, second by Ms. Trice, to authorize the advertisement of job positions for DPW Seasonal Workers, part-time Finance Clerk I and Police Department Records Clerk contingent upon no bids being received from current S.E.I.U. Local 668 employees.

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

**Motion carried**

Mr. Lefebvre announced that the Jefferson Awards for public service were held last week at the Carnegie Museum and were awarded to fifty recipients in Western Pennsylvania with two out of seven finalists being from Wilkinsburg. Those finalists were Elizabeth Dennis who founded the Workforce Development Global Alliance in 2006 and Roberta Hall who works at the Wallace Avenue Soup Kitchen.

Mr. Lewis offered some background information on the relationship Wilkinsburg has with the city of Tokushima, Japan and the "Alice Johnson" doll surviving since World War I. He commented on an event being sponsored in May in Saginaw, Michigan and expressed his interest to attend. Mr. Lewis provided handouts about Tokushima and the Alice Johnson doll.

Ms. McCarthy-Johnson commented on a piece of playground equipment which may be donated to Wilkinsburg. She reported that Ferguson Playground has been cleaned up and the drainage problem will be addressed. The application for funding for improvements to Rosa Parks Playground did not make it into the top five finalists. Pictures of the park now appear on YouTube which may be used to generate outside fundraising efforts. With a local match from the Borough with in-kind services, it is hoped that improvements can be made in the coming year.

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President Moore questioned the number of vacancies on the Parks & Recreation Advisory Board. Ms. McCarthy-Johnson advised that there are two seats open from the School Board and one other open seat. The Parks & Recreation Advisory Board meets the third Thursday of every month at 4:30 PM. Art in the Park will begin this year on June 2, 2011 and will be Kids' Day. The Wilkinsburg High School Band will be featured and there will be other activities including face painting and arts and crafts. On July 14, there will be a fundraiser for Wilkinsburg Boys and Girls Club. Music will be provided from 6:00 to 8:00 PM.

Ms. Evans, Executive Director of the Wilkinsburg Community Development Corporation commented that she is working with Ms. McCarthy-Johnson and the Chamber of Commerce on the activity list to market upcoming summer activities.

A motion was made by Ms. Trice, second by Ms. Macklin, to authorize the advertisement of an ordinance to rescind the ordinance establishing the one-way westbound traffic restriction on Hill Avenue and the northbound one-way restriction on Mill Street.

Mr. Lewis commented that he thought the matter was still under review by Council relating to specific concerns certain members may have had. Ms. Trice commented that the issue was discussed at the Public Safety Committee meeting and Chief Coleman believes the road should remain two-way for public safety reasons. President Moore questioned whether placement of a mirror had been considered. Ms. Marcinko commented that such an installation would likely be short-lived. Mr. Lefebvre advised that Chief Coleman had read letters at the last meeting from members of the Department expressing concern with the proposed one-way restrictions. Mr. Lewis commented that the engineer had recommended the one-way restrictions. President Moore commented that a mirror on Penn Ave is covered by tree branches.

**Yes:** Ms. Macklin, Mr. Cohn, Ms. Trice, Ms. Ervin, Mr. Lefebvre

**No:** Mr. Lewis, Ms. McCarthy-Johnson, Ms. Evans, President Moore

**Motion carried 5:4**

Ms. Evans, Executive Director of the Wilkinsburg Community Development Corporation announced that Duquesne Light awarded \$20,000 for the Streetscape Improvement Program and Fifth Third Bank donated \$2,000. These monies will be used to refurbish the decorative light posts on Penn Ave and Wood Street. She reported that the tree pruning on Wood Street is complete. She also reported that twenty-two more litter receptacles will be purchased for a total of forty-four placed throughout the Borough. Ms. Evans advised that the banner project is also underway.

President Moore reported that she is heading the Hard Head Patrol this year in Wilkinsburg. The program provides for children to be fitted for helmets and to receive a voucher for a free helmet. If a child already has a helmet, he/she is eligible to receive a

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coupon for a free treat. This program is sponsored by Children's Hospital and begins in May.

President Moore reported on flooding in the Police Department offices in the basement and that those offices may need to be moved upstairs.

President Moore suggested that another letter be sent to non-profits requesting a payment in lieu of taxes.

Ms. Macklin questioned the status of the quotes for electrical repairs for the decorative lamp posts.

**ADJOURNMENT**

Being no further business, on motion by Ms. McCarthy-Johnson, second by Mr. Cohn the meeting was adjourned at approximately 8:47PM.

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Eugenia Moore, Council President